

Rule 9011-4 [Amended]

SIGNATURES

(a) ***Signature Blocks.*** The signature block of every pleading and other paper, except Certificates of Service as described in paragraph (e) of this rule, filed on behalf of a party represented by counsel shall, in addition to full compliance with Fed. R. Bankr. P. 9011, include the attorney's state bar registration number, a working Internet e-mail address, and a facsimile phone number (if available). In addition, the name of the Electronic Filing User under whose login and password the document is submitted shall be preceded by an “/s/” typed in the space where the signature would otherwise appear.

(b) ***CM/ECF User Login and Password Serve as Signature.*** The user login and password required to submit documents via the Electronic Filing System serve as the Electronic Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules, and for any other purpose for which a signature is required in connection with proceedings before the Court.

(c) ***Restriction on Use of User Login and Password.*** No Electronic Filing User or other person may knowingly permit or cause to permit an Electronic Filing User's password to be used by anyone other than an authorized agent of the Electronic Filing User. An attorney is not permitted to use another attorney's password to file a paper with the Court using CM/ECF. An Electronic Filing User agrees to protect the security of the Electronic Filing User's login and password and shall immediately notify the Clerk if the security of their password has been compromised. An Electronic Filing User may be subject to sanctions for failure to comply with this provision.

(d) ***Papers Requiring More Than One Signature.*** Electronically filed papers requiring signatures of more than one party shall be filed either by: (1) submitting a scanned paper containing all necessary signatures; (2) representing the consent of the other parties in the paper; (3) identifying on the paper the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three days after filing; or (4) in any other manner approved by the Court.

(e) ***Certificates of Service.*** Certificates of Service executed by a non-lawyer in compliance with Local Rule 7005-1 shall be filed by the attorney for the party on whose behalf service is made by submitting a scanned copy via CM/ECF.

(f) ***Documents to Be Made Available.*** On request, the Electronic Filing User shall provide original documents for review to the Court, the office of the United States Trustee, or any party in interest as ordered by the Court.

Notes of Advisory Committee

2013 Amendment

This amendment clarifies the requirements and formatting of signatures on pleadings and papers filed with the Court using CM/ECF. The amendment also eliminates the provision of former Rule 9011-4(e), which required attorneys to file a Declaration Under Penalty of Perjury for Electronic Filing for any verified paper that was not filed with an original signature, and establishes the procedure for filing Certificates of Service executed by a non-lawyer in compliance with Local Rule 7005-1.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment added as section (a) requests attorneys to list their Internet e-mail addresses if available to assist the Clerk in noting such information to be used for notification purposes.

The amendments under sections (b) through (d) are new and are adapted from the “Model Local Bankruptcy Court Rules for Electronic Case Filing” approved on September 11, 2001 by the Judicial Conference of the United States Courts. Signature issues are a subject of considerable interest and concern. The CM/ECF system is designed to require a login and password to file a document. This Rule provides that use of the login and password constitutes a signature, and assures that such a signature has the same force and effect as a written signature for purposes of the Federal Rules of Bankruptcy Procedure, including Fed. R. Bankr. P. 9011, and any other purpose for which a signature is required on a document in connection with proceedings before the court.

At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development, a system of digital signature may replace the current password system.

Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed document is viewed or printed that the original was in fact signed.

An attorney or other Electronic Filing User is not required to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the login and password to make the filing. However, use of the login and password to make the filing constitutes a signature by the Electronic Filing User under the Rule, even though the Electronic Filing User does not do the physical act of filing.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.02(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.02(d) adds the requirement that an attorney's facsimile phone number (if available) be listed on any pleading or other submission to the court.

These amendments were effective on February 15, 1995.